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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,988	02/04/2004	Bernadette Brown	875P011216-US (PAR)	3584

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EXAMINER

WILKENS, JANET MARIE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,988

Applicant(s)

BROWN ET AL.

Examiner

Janet M. Wilkens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A (1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: 28. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 9, "said two side panels" and "said top and bottom panels" lack antecedent basis. For claim 12, "said bottom panel" lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan in view of Zwezdaryk. Wan teaches a collapsible "photography" tent (Fig. 3A; tent capable of being employed for various uses including storing cameras, use in a photo shoot serving as an internal stage, etc.) comprising fabric panels of light weight translucent material (column 2, lines 5-7) with perimeter metal frames sewn therein connected together to form an enclosure. In one of the panels is a door removable on at least two sides from its corresponding panel. Note: limitations appearing in "for"/intended use statements have been given no weight in the claims. Also the tent has top, bottom and side panels when situated on its side (one panel placed specifically

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on the ground). For claim 1, Wan fails to teach that the tent material is specifically nylon. Zwezdaryk teaches a tent made of light weight translucent nylon material (column 2, line 61-column 3, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to specifically use nylon light weight translucent material for the tent of Wan, depending on the desired need of the person constructing the tent, e.g. for economic reasons, for personal preference, etc. and since this specific material meets the translucent specification already desired by Wan. Note: it is being assumed that since the material of Zwezdaryk is identical in make to that of the disclosed invention's material, it inherently would be color corrected. No discussion of what, if anything, makes the fabric color corrected has been disclosed in the specification.

For claim 4, Wan in view of Zwezdaryk fails to teach that the door is removable on all three sides. The examiner takes Official notice that fabric closures removably attached, via either zippers or hook and loop fastener arrangements, to adjacent panels are well known in the art. Therefore, it would have been obvious to use a zipper or hook and loop fastener arrangement to attach the door of Wan in view of Zwezdaryk to its panel and to make the door completely removable, so that when in its open position, the door can be located away from the tent panel, thereby not obstructing the opening formed therein.

For claim 8, Wan in view of Zwezdaryk fails to teach that the metal frames are specifically steel. The examiner takes Official notice that steel frames are well known in the art. It would have been an obvious design consideration to

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make the frames specifically out of steel, depending on the desired need of the person constructing the frames, e.g. for economic reasons, for personal preference, strength qualities desired/required, etc.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wan in view of Zwezdaryk as applied to claims 1, 4, 6-9, and 11 above, and further in view of Taylor. As stated above, Wan in view of Zwezdaryk teaches the limitations of claim 1, including a collapsible tent. For claim 2, Wan in view of Zwezdaryk fails to teach that a plastic removable rigid floor panel is located inside the tent. Taylor teaches a removable, rigid, floor panel (152) for use as a support inside a structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the panel of Taylor in combination with the tent of Wan in view of Zwezdaryk, to provide a support for articles inside the tent, e.g. for use as a night stand next to a sleeping bag, as a support for a photographed object, etc. Furthermore, it would have been an obvious design consideration to make the panel specifically out of plastic, depending on the desired need of the person constructing the support, e.g. for economic reasons, for personal preference, water proof qualities, etc.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wan in view of Zwezdaryk as applied to claims 1, 4, 6-9, and 11 above, and further in view of Gasperini. As stated above, Wan in view of Zwezdaryk teaches the limitations of claim 1, including a collapsible tent. For claim 3, Wan in view of Zwezdaryk fails to teach that a fabric sweep panel is located inside the tent. Gasperini teaches a fabric sweep panel (30) for use inside a structure. It would

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have been obvious to one of ordinary skill in the art at the time of the invention to use the panel of Gasperini in combination with the tent of Wan in view of Zwezdaryk, to provide a support/stage for articles inside the tent, e.g. for photographed objects, providing a contrasting background therefore, etc.

Claims 5, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan in view of Zwezdaryk as applied to claims 1, 4, 6-9, and 11 above, and further in view of Husted. As stated above, Wan in view of Zwezdaryk teaches the limitations of claims 1 and 4, including a collapsible tent. For claim 5, 10 and 12, Wan in view of Zwezdaryk fails to teach plural openings in the tent. Husted teaches plural zippered openings (46-48) in a tent. It would have been obvious to one of ordinary skill in the art at the time of the invention to add an opening, such as the zippered openings taught by Husted, in the tent of Wan in view of Zwezdaryk, for example at the bottom thereof, to provide an additional place to enter into/go out of and/or place objects in or out of the tent enclosure.

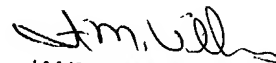
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
July 7, 2004


JANET M. WILKENS
PRIMARY EXAMINER
A AU 3637